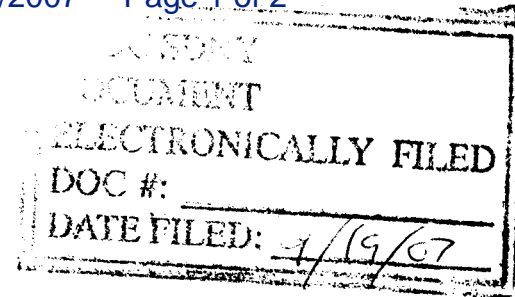




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By Hand

September 13, 2007

Honorable William H. Pauley
United States District Judge
Southern District of New York
500 Pearl Street
Room 2210
New York, New York 10007

MEMO ENDORSED

Re: Federal Express Corp. v. Brockington et al.(07 CV 4775)(WHP)

Your Honor:

This Office is counsel for defendants Kumicki Gibson, Margaret Gormley-King, Caroline Downey, sued individually and in their capacities as officials in New York State's Division of Human Rights and for the New York State Division of Human Rights (collectively, the "State defendants"). This action seeks a declaration that a civil rights matter commenced administratively in the New York State Division of Human Rights ("DHR") by defendant Isaac L. Brockington against plaintiff Federal Express is preempted by the Employee Retirement Income Security Act ("ERISA"), and an injunction against those proceedings.

On August 17, this Court entered an order directing that the parties "report whether they have resolved the ERISA preemption issue by September 7, 2007." The Court then extended that date at the joint request of the State defendants and plaintiff to September 13, 2007. We write now, on behalf of both the State defendants and plaintiff jointly, to report on the status of the settlement, and to request a further extension of 10 days, to September 24, 2007, to allow negotiations of a final stipulation to continue.

Last Friday, September 7, 2007, I first received a proposed draft stipulation from plaintiff; the draft was not acceptable to the State defendants. I returned a rewritten draft of the proposed stipulation to plaintiff on Tuesday, September 11. Counsel informed me yesterday that this new draft was not acceptable to plaintiff. Nonetheless, after discussions between counsel yesterday, there was agreement that there remained further room for negotiation. However, plaintiff's counsel informed me that he will be occupied primarily on preparing for the administrative hearing in this matter, which is currently scheduled to begin September 17, and on another, entirely separate, matter during the remainder of this week, and therefore will not have sufficient time to attend to the completion

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of the stipulation in the next several days. We therefore respectfully request an additional 10 days to attempt to complete the negotiation of the settlement.

Thank you for your assistance with this matter.

Respectfully submitted,



Elizabeth A. Forman
Assistant Attorney General

cc: Ian Harris, Esq. (by fax)
Colby S. Morgan, Esq. (by fax)
Mr. Isaac L. Brockington (by mail)

Application granted
SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

7/18/07
Parties shall report whether they
have resolved the ERISA
pre-emption issue by Sept. 24, 2007.